

UPPER CLARK FORK STEERING COMMITTEE

MINUTES – October 6, 1999

MEMBERS PRESENT:

Gerald Mueller	<i>Facilitator</i>	Jim Dinsmore	<i>Granite C.D.</i>
Bob Benson	<i>C.F. Pend Oreille Coalition</i>	Ole Ueland	<i>Mile High C.D.</i>
Robin Bullock	<i>ARCO</i>	Holly Franz	<i>MT Power Co.</i>
John Vanisko	<i>Deer Lodge Valley C.D.</i>	Martha McClain	<i>Missoula C.D.</i>
Audrey Aspholm	<i>Anaconda/Deer Lodge County</i>		

MEMBERS ABSENT:

Steve Schombel	<i>Trout Unlimited</i>	Eugene Manley	<i>F.C. & MWRA</i>
Liz Smith	<i>Deer Lodge</i>	Rep Doug Mood	<i>Seeley Lake</i>
Robert Orr	<i>Lewis & Clark C.D.</i>	Jim Quigley	<i>Little Blackfoot</i>
Brent Mannix	<i>N. Powell C.D.</i>	Mike Griffith	<i>Lewis & Clark Co.</i>
Michael Kennedy	<i>Missoula County</i>	Suzy Peraino	<i>Rock Creek</i>
John Sesso	<i>Butte-Silver Bow</i>	Jules Waber	<i>Powell County</i>
Don Peters	<i>MT DFW&P</i>	Gary Ingman	<i>MT DEQ</i>

VISITORS PRESENT:

Candace West	<i>MT Nat. Res. Damage Program</i>
Matt Vincent	<i>Butte-Silver Bow</i>
Will McDowell	<i>Tri-State Council</i>
Mike McLane	<i>DNRC</i>
Shannon Voss	<i>DNRC</i>
Roxann Lincoln	<i>DEQ</i>

The Upper Clark Fork River Basin Steering Committee met Wednesday, October 6, 1999, in St. Mary's Center, Deer Lodge, MT.

WELCOME:

Gerald Mueller welcomed Committee members and visitors and called the meeting to order. The agenda for the meeting was as follows:

1. Comments on the *Draft Upper Clark Fork River Basin Restoration Plan, Procedures and Criteria*, written by the Natural Resource Damage Program
2. Tri-State Implementation Council Presentation
3. State-Avista Meeting Discussions
4. Western Water Council TMDL and Water Quality and Quantity Integration Meeting

The *Minutes* for the October 6, 1999 meeting were discussed and approved, other than Holly Franz noted that she wasn't at the last meeting though her name listed her as "present" at that meeting.

ANNOUNCEMENTS:

Gerald Mueller passed out the *History of the Flint Creek Valley*, which David Meyer put together. He is asking for comments on the report from our steering committee. He wanted to let us know that he would be happy to come and talk to us about his report, but couldn't make it right now because he has just accepted a job down in Colorado.

Gerald also explained that the main reason to hold the steering committee meeting on October 6 was to discuss comments on the Restoration Plan. He plans to note significant issues or suggestions brought up by the steering committee and to present them at the October 13 meeting with the Upper Clark Fork River Basin Remediation and Restoration Education Advisory Council.

Gerald noted that **Ole Ueland** was the only one to submit comments on the Restoration Plan, as asked, although others had comments with them at the meeting but weren't able to mail them out ahead of time.

COMMENTS ON RESTORATION PLAN:

To begin discussion of the Restoration Plan, Gerald asked committee members to help him make a list of all issues they feel are significant to address:

- 1) ***Restore agricultural capability on lands, or enhance other lands to restore agricultural capability.***

Ole noted there are not enough issues related to Agriculture.

- 2) ***Big Picture cumulative review lacking. What is the overall goal or road map?***

Martha McClain asked how the individual projects are going to be measured against the big picture? At the end of ten years, will all of these projects' goals be lost? Is there a cumulative review of this process?

- 3) ***Premature to accept projects for portions of settlement money. Guidelines haven't been established and proposals will be accepted on January 1, 2000.***

Robin Bullock stated that we need a framework specifying the project statuses and project goals in order to accept or reject proposals. We shouldn't take action until we see an overall map and how it all fits together. This map should be flexible though.

4) *Public input at meaningful points in the process.*

Bob Benson noted that public input is needed at meaningful points in the process (as opposed to after decisions have been made).

5) *Coordination with other agencies, and other grant programs by DEQ's Nonpoint Pollution Grants (319), Montana's Resource Development Grant and Loan (RDGP), Environmental Quality Inception program (EQIP), and Future Fisheries. Need a team approach.*

Roxann Lincoln stated that several agencies (DEQ, Forrest Service, FW&P, etc.) are working in the basin and are somewhat complementary to NRD. How will they coordinate so they don't overlap their projects?

6) *\$5000 threshold for easy-evaluation of project is too low!*

Mike McLane pointed out that NRD takes on all the responsibility of monitoring the projects. They are not prepared to scrutinize all projects proposed at costing over \$5,000—because there will be too many!

During discussion, Bob said he hopes NRD money doesn't go towards projects that would be funded by other sources anyway.

Gerald noted that what he is hearing the committee say is that it is most important to develop a framework and goals for the basin before proposals for projects get evaluated. But he asks, "Do we set a certain amount of time aside to develop the framework?" "How do we deal with developing a road map while others are stressing an **urgency** to a problem?"

Audrey Aspholm said the road map is the urgency! The road map shouldn't take very long because we have all thought about these issues long enough. We just need to sit down and prioritize them.

Holly Franz agreed with Audrey. She said everyone will have their own urgencies based on their own interests. There needs to be a framework before money is given to projects.

Bob asked how we assemble a group to make this road map when all the groups seem to be independent? He thought maybe the Governor should appoint a few from each group.

John Vanisko mentioned they should combine the Governor's Trustee Restoration Council (consisting of the department heads, Attorney General and Governor's Chief of Staff) with the Advisory Council (Upper Clark Fork River Basin Public Restoration and Remediation Advisory Council—Jim Flynn's group) to oversee everything for the Governor.

It was mentioned that we should keep the Tribes and DOI as consultants, but to stress that this is a *state* issue.

Jim Dinsmore addressed the fact that the ability to have public access will play a significant role in whether or not a project gets funded. There was much discussion on this.

Gerald noted that private lands may say no to land restoration if they are faced with providing public access as a consequence. In this sense, we may be losing a lot of benefits downstream (so-to-speak) as a result of not restoring their land.

Audrey said we should evaluate the need for public access one project at a time (don't make a blanket condition). Once you get beyond the criteria, then discuss whether to agree to allow access.

Candace West, an attorney for Montana Natural Resource Damage Program emphasized that the **State can only seek damages (compensation/restoration costs) for public resources.**

Matt Vincent, of Butte-Silver Bow County, argued that proposals guaranteeing public access will be much more appealing to the council.

Mike said that public access should be used in a ranking system, but not as a requirement. Proposals allowing public access would obviously rank pretty high, but those prohibiting public access could make up for lost points by offering multiple benefits and thus fulfilling other areas of interests. In other words, public access should be accounted for, but doesn't need to be a major criteria.

Gerald asked if the State could legally restore agricultural productivity?

Candace stated it is not one of the injured resources specified so it can't do it directly, but it could be enhanced indirectly as a mutual benefit.

Ole disagreed with Candace saying that agricultural lands in the state are a public benefit and in public interests.

Gerald said we need to find a way to make agricultural productivity matter because it provides multiple benefits.

Mike asked what is meant by "restoring lost services" on page four, and again on page 6. How broad can this go? It shows up again in the criteria on page 38.

Candace said there must be a reasonable and direct relationship. Because resources provide resources to other things, you must look at what the resources are used for.

Gerald said we need an explanation of "services" in relationship between service loss and restoration. There needs to be examples.

Robin pointed out that an applicant must have money up front in order to propose. She suggests there be a minimum amount of money to fund certain projects up front.

Audrey suggested there should be step-by-step funding, which Candace explains is somewhat in effect or expected. They plan to pay the costs of the projects as they are carried out. This needs to be clear in the document though.

Robin also mentioned that there should be a cap on administration, project development, and monitoring. This way we'll be spending the majority of the money on "doing" as opposed to "research".

Mike brought up that there should be a project-planning grant, in which a person could ask for a small grant to hire people to develop a more focused proposal which addresses specific needs to spend the money asked for. Mike said proposals look good but often times there isn't enough footwork and good ones get turned down.

This idea brought up much controversy, as Bob asked, "What if the proposal they form doesn't go through?" Bob thinks people should propose with enough merit on their own.

Robin briefly suggested allowing for voluntary water right acquisitions, but this topic was not further discussed.

Gerald plans to write all these ideas up and deliver them to the Advisory Council on October 13, 1999. He plans to mail his comments to the committee. Martha said she would look over his summary of ideas before the October 13 meeting.

TRI-STATE IMPLEMENTATION COUNCIL:

Will McDowell, Tri-State Council, explained the voluntary nutrient reduction plan agreement that was signed by five entities last year. These entities, including Missoula, Deer Lodge, Butte, and Stone Container's Missoula Paper Mill now have a ten-year commitment to clean up nutrients in or contributing to the Clark Fork River.

Will explained the history that brought about this agreement. He said that from Warm Spring Ponds to below Drummond the water is very green from algae in the river feasting on the over abundant nutrients polluting the river. He noted that Gary Ingman carried out the field work on this study. This problem affects other states as well as Montana.

Will said that wastewater plants (particularly in Butte and Missoula) are the major contributors to this problem.

Negotiations concerning this nutrient pollution issue lasted 4 ½ years before deciding who should pay for what.

The different entities agreed to pay millions of dollars to bring phosphors and nitrogen levels down in the water to improve the water quality in the Clark Fork River. However, now we must get everybody involved to maintain high water quality practices, otherwise the benefits gained by spending this money will be lost due to the release of pollutants by others.

Will emphasized that organizations have the ability to make a difference.

He explained that we need to address areas of:

- 1) Sewage
- 2) Livestock management
- 3) Septic systems next to rivers

Will said he's looking for partners. He needs to see what other agencies are doing, and see if he can help expand their ideas or find other funding for them.

So far he has very little funding available, but offers his time (to help with grant writing, coordinating, etc.)

Ole asked if Will is looking at that ARCO money?

Will said that they are looking at it, however, they need to find ways to benefit additional resources in order to make a strong enough proposal.

WESTERN WATER COUNCIL TMDL AND WATER QUALITY AND QUANTITY INTEGRATION MEETING:

Gerald briefly mentioned that EPA is in the process of changing the rules for TMDL. One rule relates to pollutants and another rule relates to pollution (a result from human activities).

If the rules are changing so a TMDL doesn't have to deal with pollution right now under EPA's definition, dewatering on low stream flow is considered pollution but is not considered a pollutant. This will drastically reduce the number of streams on the 303d list. The EPA is focusing more on point-source problems. They are also changing their time frame to 15 years (as opposed to 10 years).

Mike noted that flow impaired streams are still impaired. 60% of the streams will go on a needs assessment list. They'll be taken off the 303d list because they don't have enough data. This doesn't mean that they aren't impaired, just that we don't have enough data to decide whether they are or not. We will re-collect this data later.

Gerald said that Gary Ingman will give the committee a more detailed presentation.

STATE-AVISTA MEETING DISCUSSIONS:

Gerald explained that the committee has not gotten very far to prepare for a public forum (originally aimed at being held on October 19). Mike has been working by himself. It was agreed that somebody needs to go to the newspapers (especially the *Standard* and the *Missoulian*) and help them write a story so people attend the forum. We also need to find money to mail out notices to water users.

The committee agreed to postpone the public forum, and hold it in the evening of November 30, after an afternoon meeting with the Steering Committee.

PUBLIC COMMENTS:

Gerald reminded the committee that we need to find replacement members for those no longer attending the meetings. He also emphasized that the committee needs to rethink its goals and purposes, and re-evaluate whether those are being met.

It was suggested that Gerald write down some ideas for the Steering Committee, which will in turn spend a half-day or so prioritizing them and strategically planning.

NEXT MEETING:

The next meeting will be held at St. Mary's Center in Deer Lodge, on November 30, at 1:00 p.m., and will be followed by a State-Avista public forum in the evening.

[This meeting was rescheduled for December 7, 1999.]